

1 Thursday, 20 October 2022

2 [Open session]

3 [The accused not present]

4 [The witness entered court]

5 --- Upon commencing at 9.59 a.m.

6 JUDGE BONOMY: Good morning, everyone.

7 Mr. Kabuga has again elected not to attend today and, therefore,  
8 the trial will proceed in his absence.

9 The witness before us today, I understand, is Mr. Nsanzuwera. I  
10 hope that's fairly close to the correct pronunciation of your name.

11 THE WITNESS: [Microphone not activated].

12 JUDGE BONOMY: We welcome you to the courtroom.

13 Could you please now stand and make the solemn declaration to  
14 tell the truth.

15 THE WITNESS: [Interpretation] I solemnly declare to say the  
16 truth, nothing but the truth, and all of the truth.

17 WITNESS: FRANÇOIS-XAVIER NSANZUWERA

18 [Witness answered through interpreter]

19 JUDGE BONOMY: Thank you. Please be seated.

20 Mr. Elderkin.

21 MR. ELDERKIN: Good morning, Your Honours.

22 Examination by Mr. Elderkin:

23 Q. Good morning, Mr. Nsanzuwera. I understand from our meetings,  
24 Mr. Nsanzuwera, that you do speak and understand English, though today  
25 you are testifying in French. Please do wait to hear the French

1 interpretation of what I say, even if you have already understood my  
2 question in English, so that we can allow for time for the interpretation  
3 to catch up in all languages.

4 Do you recall giving a statement to members of the Office of the  
5 Prosecutor in June of this year?

6 A. Yes, I do remember.

7 MR. ELDERKIN: I'd ask, please, for Exhibit P273 MFI to be  
8 brought up onto the screen.

9 For Your Honours' information, Mr. Nsanzuwera is not a protected  
10 witness, and we intend to tender his statement as a public exhibit.  
11 However, there were two items on the cover page that contained irrelevant  
12 personal information. I've asked the Defence and there was no objection  
13 to making the two redactions you see. That's a change that went in after  
14 we filed our Rule 111 motion, so I'd request the Bench's leave to work  
15 with the document as is.

16 JUDGE BONOMO: Certainly.

17 MR. ELDERKIN:

18 Q. Mr. Nsanzuwera, looking at the document on screen, do you  
19 recognise the signature at the bottom left of the page?

20 A. That is indeed my signature.

21 MR. ELDERKIN: Can we please also have the last page of this  
22 document on screen. It should be, I think, page 48.

23 Q. The same question, please, Mr. Nsanzuwera, for this page.

24 A. That, indeed, is my signature.

25 Q. Did you have an opportunity prior to testifying today to review

1 this statement in a language that you can read and understand?

2 A. Yes, I had the opportunity to revise the declaration.

3 Q. And I understand that you have corrected paragraph 111 of the  
4 statement?

5 A. Yes. During the last meeting we had, I had the feeling that  
6 paragraph 111 did not reflect my thinking, because this was a declaration  
7 that dated back to 1995, before a Belgian prosecutor --

8 THE INTERPRETER: Sorry, correction of the interpreter:  
9 Investigative Judge.

10 A. And the translation into English of the acronyms was misleading.  
11 Instead of talking of the Rwandan armed forces, mention was made of  
12 governmental Rwandan forces. And when I signed the declaration, I did  
13 not pay attention to the acronym.

14 In a paragraph in which I talk about the presence of Interahamwe,  
15 along with the soldiers of the Rwandan armed forces, and in this  
16 declaration it is stated fighters of the Rwandan Patriotic Front, whereas  
17 I meant Interahamwe and the Rwandan military forces. That is the  
18 correction that I wanted to bring to paragraph 111.

19 MR. ELDERKIN:

20 Q. And, Mr. Nsanzuwera, that's very clear on the correction. We,  
21 indeed, generated, during our proofing meeting, a written document that  
22 illustrates that change.

23 MR. ELDERKIN: So could I ask to see Rule 70 70887 on the screen.

24 THE WITNESS: [Interpretation] Which screen are we talking about?  
25 Oh, I can see it now.

1 MR. ELDERKIN:

2 Q. The left-hand side is the original, and then the translation is  
3 on the right. So, please, look in whichever language you prefer. Is  
4 this the correction that you have just described to paragraph 111?

5 A. Yes, that is correct. That is correct because we're talking  
6 about the FAR, Forces armées rwandaises, and the Interahamwe, and not the  
7 RPF as it stood before. So on the left-hand side we have the correct  
8 version.

9 Q. Subject to this correction, do you affirm that your prior  
10 statement accurately reflects your evidence and what you would say if you  
11 were examined today?

12 A. Yes, I do affirm that, Mr. Prosecutor.

13 MR. ELDERKIN: Could I, therefore, please tender this statement,  
14 which is Rule 70 70870, marked for identification as P273, together with  
15 those associated exhibits that were provisionally admitted pursuant to  
16 the Trial Chamber's decision on the relevant Rule 111 motion.

17 JUDGE BONOMY: These will all now be admitted.

18 [Trial Chamber and registrar confer]

19 JUDGE BONOMY: I'm reminded, Mr. Elderkin, that in the case of  
20 previous witnesses you've actually tendered the information report as  
21 well. You don't intend to do that in this instance?

22 MR. ELDERKIN: I do intend to do it. It's the next request I'm  
23 going to make. I just wanted to get the 111 pack in cleanly, but if we  
24 could also tender this correction note, Rule 70 70887.

25 JUDGE BONOMY: Yes, that also will be admitted.

1 THE REGISTRAR: Your Honours, the associated exhibits have  
2 already been numbered and the list will be circulated to the parties,  
3 whereas the corrected statement, bearing Rule 70 70887, will be assigned  
4 Exhibit P509. Thank you.

5 JUDGE BONOMOY: Thank you.

6 MR. ELDERKIN: To keep the record clean, I'd like to note that  
7 the Prosecution in that Rule 111 submission relating to Mr. Nsanzuwera  
8 initially proposed, as an associated exhibit, an item Rule 70 00322,  
9 which is a copy of the RTLM statute. This part of the request was  
10 withdrawn because that document is duplicative of another document, which  
11 is currently marked for identification as Exhibit P184. And that will be  
12 tendered to be admitted in due course through another witness.

13 JUDGE BONOMOY: Does that mean it already has an exhibit number  
14 because of what's gone before in light of what the Registrar's just said?

15 MR. ELDERKIN: I believe that Rule 70 00322 should not have an  
16 exhibit number, but the equivalent document has an exhibit number which  
17 is P184. So any references that would be to the RTLM statute can be  
18 directed now to P184 rather than to the Rule 70 00322.

19 JUDGE BONOMOY: I can ask the Registrar now to advise me if  
20 there's anything I need do to achieve that objective.

21 [Trial Chamber and registrar confer]

22 JUDGE BONOMOY: That all seems to be in order now. Thank you.

23 MR. ELDERKIN: And I would then like to read a brief summary of  
24 the subjects covered by the witness' evidence, which is not part of the  
25 evidentiary record.

1 JUDGE BONOMO: Please do.

2 MR. ELDERKIN: François-Xavier Nsanzuwera was a prosecutor of the  
3 republic in Kigali, in charge of Kigali City and Kigali Rural from 1990  
4 until he fled Rwanda in 1994.

5 Mr. Nsanzuwera describes the struggle among the political parties  
6 following the rise of multipartyism in 1991 and the buildup of the Hutu  
7 power movement. He testifies about the investigation into the Bugesera  
8 massacre of 1992.

9 Mr. Nsanzuwera also describes dissemination of hate rhetoric and  
10 targeting of specific people by Kangura magazine, including the targeting  
11 of himself. Subsequently, RTLM broadcast messages that incited ethnic  
12 hatred and violence in violation of Rwandan law, earning RTLM one of its  
13 nicknames, "Radio Machete." People were afraid of RTLM, and they were  
14 afraid to file complaints against it. After 7 April 1994, RTLM messages  
15 were no longer incitement to violence but direct calls for murder.

16 Mr. Nsanzuwera describes his own experience during and after the  
17 genocide, including his knowledge of several killings, such as the  
18 killings of two businessmen, Shamukiga and Sebera.

19 That concludes the summary. And I have some additional questions  
20 now.

21 Q. Mr. Nsanzuwera, at paragraph 55 of your consolidated statement,  
22 you discuss your book entitled.

23 "The Rwandan Magistrate - Legislature, Judiciary in the Grips."  
24 Is it correct that you discussed the Bugesera events in your book?

25 A. [No interpretation].

1           MR. ELDERKIN: Excuse me, there's no interpretation on the  
2 English channel.

3           THE INTERPRETER: Oh, apologies from the interpreter. Could the  
4 witness be kindly requested to repeat.

5           A. I was saying that the French title is "Magistrat rwandais dans  
6 les tous de pouvoir executif," that's the French title. I can't remember  
7 what the exact title. I think it was "Le silence --" no, I can't  
8 remember the subtitle. But in the book, I actually mentioned and  
9 described the massacre of the Tutsi in March of 1992 in the region of  
10 Bugesera.

11          MR. ELDERKIN: Please can we have Rule 70 50998.1 shown in  
12 e-court.

13          Q. Mr. Nsanzuwera, this is an extract from your book, as you see  
14 from the top of the page, comprising just Chapter III of that book. It  
15 comprises, I think, it should be about ten pages. Is this the relevant  
16 part of your book concerning the Bugesera events?

17          A. I can confirm, Mr. Prosecutor, that this part is a chapter of my  
18 book.

19          Q. Can you tell us, briefly, as you set out in your book, what was  
20 your assessment of the cause of the killings in Bugesera?

21          A. Actually, what occurred in March 1992 in the region of Bugesera,  
22 which is actually my region of origin, as I grew up in that region, and  
23 my parents used to live there. My parents emigrated to that region in  
24 the 1970s when I was in 7th grade in primary school, in a small school.  
25 And that is where I grew up.

1                   So in March 1992, a meeting was held, a meeting of the liberal  
2 party was held. And during said meeting, the chairman of the liberal  
3 party questioned -- questioned or challenged the bourgemestre, the  
4 bourgemestre of the municipality who was a member of the MRND.

5                   On March 6th, in three of the parts of this commune, or  
6 municipality, which were localities that were mostly inhabited by Hutus  
7 from the north, and, actually, in the board meetings of the commune, they  
8 also had names of their original counties. And they started eating Tutsi  
9 cattle and killing Tutsi farmers.

10                  So I went to see what was actually happening in reality. We even  
11 had the first deputy prosecutor who was in charge, the prosecutor in  
12 Nyamata, which was under my jurisdiction. So I was there with the first  
13 deputy, and I went to see on the ground what was going on exactly. And I  
14 actually say in the book that when I arrived on location, a family of  
15 Hutu farmers, since I had a gendarme with me, this family thought that I  
16 came to encourage the killings. And this farmer said to me, "A Tutsi was  
17 going to kill us, but we managed to resist. We are killing them. And  
18 it's a good thing that you are coming in to support us."

19                  So for this farmer, my presence on location, along with the  
20 gendarme, was supposed to be to encourage the killing of the Tutsi.  
21 So --

22                  Q. Mr. Nsanzuwera, excuse me. Because I will be tendering the  
23 chapter of the book as an exhibit, I would prefer not to have you recite  
24 the entire history but just briefly about the causes. And may I focus  
25 on, specifically, whether you consider the media played any role in those



1 events.

2 A. I understand it very well. So the day before the killing  
3 occurred in the region of Bugesera, the editor in chief of Kangura, the  
4 magazine, had handed out the cover page of the issue of Kangura showing  
5 President Nahimana and a machete.

6 So this cover page had been handed out through the municipality,  
7 and in particular in the sectors that were mostly inhabited by northern  
8 Hutu farmers, and the council was part -- was originally from the  
9 prefecture of Ruhengeri and Gisenyi.

10 So my investigator showed that Hassan had come by the day before  
11 handing out the cover of the magazine with an agent of the central  
12 intelligence agency of the region and whose brother was a relative of  
13 President Habyarimana. So it's the younger brother of Major Mageza who  
14 used to work in the presidency, in the intelligence service, who had come  
15 by the day before, Ngeze Hassan, to hand out the cover page of the  
16 Kangura magazine, showing the president of the first republic with a  
17 machete.

18 Q. I believe there may be an obvious transcription error where when  
19 you referred to the cover page. In English it says "showing  
20 President Nahimana with a machete." Could you say the president's name?

21 A. No, the cover of Kangura, which was handed out, showed  
22 President Gregoire Kayibanda, of the first republic, with a machete.

23 Q. At the time of Bugesera massacre, was there any official  
24 supervision of the private media? Was there an office in existence  
25 already that was overseeing the private media?

1           A.    Well, you have to put things in the context of that period after  
2           1991 with the new constitution establishing multipartyism. There was a  
3           law on the press, and, therefore, there were several independent  
4           newspapers. Before there was Imvaho, which was the state newspaper, and  
5           then there were a multitude of newspapers that came about. Some were  
6           close to Habyarimana's regime, and others were closer to the opposition  
7           line. So there were a lot of free, independent newspapers at the time.  
8           And there was a new law as well that was enacted for the freedom of the  
9           press.

10            Maybe I should add that in these new newspapers, things did go a  
11           bit far. And I myself see some newspapers -- sorry.

12           Q.    Again, excuse my interruption, but the Court has already heard  
13           evidence that referred to an office called ORINFOR that I understand had  
14           media oversight. So, more precisely, did ORINFOR exist at the time of  
15           the Bugesera massacres?

16           A.    Yes, of course. Yes, of course, the ORINFOR, which was the  
17           Rwandan information office, did exist during the Bugesera massacre. It  
18           was a bureau that regulated information. ORINFOR was a public service.

19           Q.    Who, if you recall, was the director of ORINFOR at the time of  
20           the Bugesera massacres?

21           A.    At the time it was Ferdinand Nahimana who was the director of  
22           ORINFOR.

23           Q.    Do you have any information about what Mr. Nahimana,  
24           Ferdinand Nahimana, did before or during those massacres? Did he  
25           undertake any action as director of ORINFOR?



1 MR. ELDERKIN: Thank you.

2 THE REGISTRAR: Your Honours, that will be P510 and an annotation  
3 will be made in e-court that an English translation will be attached in  
4 due course. Thank you.

5 MR. ELDERKIN:

6 Q. Mr. Nsanzuwera, beginning at paragraph 72 of the consolidated  
7 statement, you describe a meeting that you attended with RTLM with the  
8 minister of information and others.

9 MR. ELDERKIN: With that in mind, please could we see  
10 Exhibit P303, and particularly a clip starting at 22 seconds into that  
11 exhibit.

12 For the interpreters' booths, we simply want to be seeing the  
13 images. There should be no need for interpretation.

14 [Video-clip played]

15 MR. ELDERKIN:

16 Q. Mr. Nsanzuwera, I understand that you only saw, a bit later than  
17 the rest of us, the video. Have you seen enough, nevertheless, to say  
18 whether this is the meeting that you recall attending?

19 A. Yes, I have already seen this video before, and  
20 Minister Rucogoza's words reflect the content of this meeting.

21 Q. Sorry, Mr. Nsanzuwera, I'd prefer, just for now, can you say  
22 "yes" or "no," is this the meeting that you talk about attending in your  
23 statement?

24 A. Well, I cannot really answer with "yes" or "no," because the  
25 memory that I have of this meeting, I do have, but I do not remember the

1 recording of this meeting. But I do remember what was said.

2 JUDGE BONOMY: The question is very specific and it is confined  
3 to whether that confirmed -- whether you can confirm you attended the  
4 meeting that that video reflects. You're not being asked to confirm or  
5 accept all that happened there, simply whether you attended that meeting.  
6 And that's a "yes" or "no."

7 THE WITNESS: [Interpretation] Yes, I was present. Yes, I was  
8 present.

9 JUDGE BONOMY: Thank you.

10 MR. ELDERKIN: And if I may, Your Honours, made reference to the  
11 proofing note that was distributed both to the Defence and to the  
12 Chamber. But this is clearly going to require some clearing up.  
13 Otherwise, I believe Your Honours have received the proofing note  
14 separate from the correction to the statement.

15 JUDGE BONOMY: Yes.

16 MR. ELDERKIN:

17 Q. So, Mr. Nsanzuwera, what I'm referring the Judges to, and this is  
18 also the note I kept of our meeting before your coming to court, when we  
19 played this video with you a few days ago, and you told me at that time  
20 that this video did not reflect the meeting you were at. You said you  
21 were not at this meeting but that you attended a different meeting that  
22 you recall from February 1994. Do you recall having that conversation  
23 with me and my colleague a few days ago?

24 A. Yes, yes, indeed. We did have this conversation. But I want to  
25 be clear about this. The footage doesn't help me to recall these events

1       apart from a few participants who were present at that meeting. But the  
2       video as such, well, I cannot really confirm, and that is why I cannot  
3       confirm if that is indeed this meeting of February 1994 that I attended.

4               The people that we can see on this video were at the meeting  
5       where I was as well, and the words expressed by the minister are words  
6       that I recall. But I do not recall the presence of the cameraman who  
7       were recording the video, so I cannot really say who was dressed how.  
8       All I can say is that the video that you showed me doesn't bring any to  
9       mind -- to my mind. But I do remember the people who are on this video  
10      and the contents, but I don't really recall the recording of the video --  
11      of the meeting of 1994, February 1994, that I attended.

12             JUDGE BONOMY: Mr. Elderkin, in light of the terms of  
13      paragraph 72, what is to be achieved by pursuing this further?

14             MR. ELDERKIN: Simply to ensure that there's the best possible  
15      clarity to understand if there were a different meeting that, I  
16      understood from Mr. Nsanzuwera's previous evidence, took place, or  
17      whether we seem to be talking about the same meeting and many things may  
18      have happened off camera. I was hoping for a more simple result than  
19      where we are.

20             JUDGE BONOMY: The question you may care to ask is how many  
21      meetings of this composition of personnel he attended.

22             MR. ELDERKIN:

23             Q. Mr. Nsanzuwera, I think you heard the Judge's question.

24             A. Yes, Your Honour. I attended one of these meetings in February  
25      1994. And among the people present, there was Ferdinand Nahimana, who

1 was the director of the RTLM; the minister also, Rucogoza, who was in  
2 charge --

3 JUDGE BONOMY: Just wait. We already have that in your  
4 statement. Did you attend other similar meetings with the same  
5 personnel?

6 THE WITNESS: [Interpretation] No, that was the only one in  
7 February that I attended.

8 JUDGE BONOMY: Thank you.

9 MR. ELDERKIN:

10 Q. At paragraph 100 of your consolidated statement, you describe  
11 seeing roadblocks during the first days of the genocide. I'd like to  
12 show a short video-clip.

13 MR. ELDERKIN: And again, for the interpreters, there should be  
14 no need for interpretation. I'm interested only in the images. And this  
15 is Rule 70 01012, and we have a clip of the first 44 seconds to show.

16 [Video-clip played]

17 MR. ELDERKIN:

18 Q. Mr. Nsanzuwera, what can you tell the Court about anything that  
19 you have observed in that short clip?

20 A. So there's the roadblock. This is the kind of roadblock that we  
21 had in April 1994. There were the armed vehicles -- armoured vehicles  
22 and trucks. It was in the neighbourhood of Kigali Ville. And I saw the  
23 name of a clinic on the side, but I'm not sure if it was Nyamirambo in  
24 the centre of the capital. But I do remember that there was a clinic in  
25 Kigali, Matutina. On the right-hand side of the screen, we can see the

1 name of the clinic. And then I recognised the uniform of the armed  
2 forces and the armoured vehicles, new ones.

3 So after the 1990 attacks, the Rwandan army procured these new  
4 armoured vehicles, and that's what I could see on that video.

5 Q. You've described the roadblock here as like those in April 1994.  
6 Did you see roadblocks in Kigali prior to April of 1994; and if so, were  
7 they any different to the ones -- the style of the one we saw here?

8 A. No. Before 6 April, in certain neighbourhoods on the outskirts  
9 of Kigali, near Nimila [phoen] where there was some Interahamwe groups  
10 with some reservists of Inyange, there were some roadblocks then but you  
11 wouldn't see strings like these or you wouldn't see anything like it. It  
12 was just a group of Interahamwe that would block the road to prevent  
13 vehicles from passing through or to arrest people.

14 But the type of roadblocks that we see in the video date from  
15 7 April. And when I was in Kigali with my wife on 7 April, we had to go  
16 through at least four of these roadblocks as I was fleeing with my wife.  
17 So I got to see these roadblocks from my house all the way to the Mille  
18 Colins, and then I had to go through at least four of these roadblocks.

19 MR. ELDERKIN: Your Honours, I would request to admit in  
20 video-clip, Rule 70 01012.

21 THE INTERPRETER: Microphone, please.

22 MR. ELDERKIN: I would request to admit in video-clip, Your  
23 Honours, Rule 70 01012.

24 JUDGE BONOMO: Yes, that will be admitted.

25 THE REGISTRAR: As Exhibit P511, Your Honours.



1 MR. ELDERKIN:

2 Q. I have one last question, Mr. Nsanzuwera. One question, two  
3 parts. Lastly, what were the dates of your employment at the ICTR Office  
4 of the Prosecutor?

5 A. I am not quite sure I understood the question.

6 Q. From what year did you start working at the ICTR Office of the  
7 Prosecutor?

8 A. I started working on 25 May 2003 until 31 December 2015. I think  
9 I worked there for 12 years.

10 Q. Did you first provide the underlying evidence that is contained  
11 in your consolidated statement before or after you started working for  
12 the Office of the Prosecutor?

13 A. Before I started working for the prosecutor's office, I appeared  
14 as a witness for three cases, Nahimana and two others.

15 THE INTERPRETER: The interpreter did not get the name.

16 A. But as I was working for the prosecutor's office, I couldn't  
17 appear as a witness anymore because I was working as an investigator. So  
18 I started working as an investigator. And then I also worked on  
19 Nahimana's appeal, Ngeze. But I couldn't appear again because I had  
20 appeared as a witness in the first trial, so the last time that I  
21 appeared as a witness was at the Cour d'assis in Paris. But during these  
22 12 years I could not appear as a witness because I was working for the  
23 prosecutor's office. I was a civil servant working for the tribunal.

24 MR. ELDERKIN:

25 Q. I have no further questions for you, Mr. Nsanzuwera. Thank you

1 very much.

2 MR. ELDERKIN: Your Honours.

3 JUDGE BONOMY: Thank you, Mr. Elderkin.

4 Maître Altit.

5 MR. ALTIT: [Interpretation] Thank you very much, Your Honour.

6 Good morning, Your Honour. Good morning, Judges.

7 Cross-examination by Mr. Altit:

8 Q. [Interpretation] Good morning, Witness. My name is  
9 Emmanuel Altit. I am Felicien Kabuga's counsel. I will be asking you  
10 questions, and I would like you to answer these questions in the most  
11 precise and brief manner.

12 So I would like to start to talk about the Bugesera massacres  
13 that you mentioned earlier on. You said in your statement that 513  
14 people were arrested; is that right?

15 A. 513, I believe. Yes.

16 Q. And you said, and I will quote you -- just to make sure that I  
17 quote you correctly, this is the consolidated statement of 16th and 29th  
18 June 2007, page 22 of the French version, at paragraph 67, and you said:

19 "We made some arrests, but most of those who took part in the  
20 massacres were not arrested because the bourgemestre had decided to send  
21 away all the seasonal workers."

22 Can we understand that most of the people who took part in these  
23 massacres were seasonal workers?

24 A. Well, in the group of murderers there were farmers from this  
25 sector but there were also many seasonal workers coming from the northern

1        prefectures. And if I remember correctly, there was one that we  
2        arrested. There was one seasonal worker that we arrested, but most of  
3        the seasonal workers were sent back to their municipality of birth.

4                So amongst the 513 people that were arrested, these were people  
5        that lived in the Kanzenze commune. So they were people from the region.  
6        But after the massacre, the seasonal workers that had took part in the  
7        massacres then went back to their own municipality.

8        Q.    Very well. So those who took part in these massacres were  
9        seasonal workers, and they went back to their home municipality before  
10       you could arrest them; is that right?

11       A.    Well, no. There were local farmers and seasonal workers. The  
12       seasonal workers went back to their home prefecture.

13       Q.    So I will rephrase my question, then, because I just wanted to  
14       make sure that I understood well. So amongst those who took part in the  
15       massacres were local farmers but that came from the north; is that right?

16       A.    I said that in the Kanzenze municipality, there were three  
17       sectors that were close to Gashwaniyenda [phoen], and amongst these  
18       people we had people from the Gisenyi prefecture. And near Nyabarongo,  
19       Ntarama, Nyamatunu [phoen], in these areas we had people that in majority  
20       were Tutsis and that were sent in these areas.

21       Q.    Very well. But to sum up, is it correct to say that most of the  
22       people that were arrested were Hutus that had migrated from the north  
23       into that area, and that many people who were not arrested and that left  
24       before they were arrested were seasonal workers who also came from the  
25       north; is that right?

1           A.    Yes, that is correct.

2           Q.    Thank you very much.  Earlier on you talked about the  
3   dissemination of the Kangura on the eve of the massacre.  In your  
4   statement, you also mentioned potential causes to the massacre.  My  
5   question is why do you think that the dissemination of Kangura could have  
6   been the one of the -- could have been the main cause of the massacre?

7           A.    I did not say it was the main cause.  I said it was one of the  
8   causes.  It's not the only cause.  It's one of the causes.  There was  
9   also the political rally of the liberal party where direct attacks were  
10  made against the MRND bourgemestre.  So you had members of the MRND party  
11  that were living in this commune.  So the Kanzenze bourgemestre, back  
12  then, was a member of the MRND.  He was one of the MRND leaders in the  
13  area.  So that also sparked anger within MRND sympathisers.  So that's  
14  another cause that I could mention.

15                    But the dissemination of this publication and how efficient it  
16  was with the distribution of machetes, with the call for farmers to take  
17  part in the revolution, where some of the Tutsis were killed, houses were  
18  burnt down, people had to be forced to settle in the Bugesera region,  
19  which is a hostile region.  It was a region that was not welcoming and  
20  easy to settle in.

21                    So you had that image with the Rwanda president holding the  
22  machete that was used during the revolution of 1959 and the massacres  
23  that followed all the way till 1963.  For some of the oldest farmers,  
24  when they saw this image, of course, it reminded them of these events  
25  that took place between 1959 and 1963.

1 Q. Very well. So the bourgemestre that you were talking about, one  
2 of the leading members of the MRND, who was he attacked by?

3 A. No, he was killed. He was assassinated. Butara [phoen] was  
4 assassinated. I don't know which attack you are talking about.

5 Q. You said that amongst the possible causes of the massacres, there  
6 was the accusation or the attack of the bourgemestre.

7 A. I was talking about the verbal attack during the liberal party's  
8 rally. So it was not a physical attack. It was more of criticising his  
9 politics at the local level.

10 Q. So it is the president of the local liberal party that accused,  
11 during this political rally, the MRND bourgemestre; is that right?

12 A. Yes, MRND bourgemestre. Yes, that's right.

13 Q. So if I understand your statement, you were telling us that there  
14 was an atmosphere of fear that was very present at the time of the  
15 Bugesera massacres and that the Hutu farmers were afraid of being killed?

16 A. When I visited the area, when I went in the field, I was told  
17 that the Hutu farmers were afraid of being killed by their neighbours, by  
18 the Tutsi neighbours. And the municipal officers asked them to defend  
19 themselves and, therefore, to attack first. I don't know whether that's  
20 what I said in my book, but these Hutu farmers had been manipulated by  
21 these municipal officers before the massacres. Because when they killed  
22 their Tutsi neighbour, the idea was to attack first and to make sure that  
23 they would defend themselves against the attack of their neighbours,  
24 because these officers had told them that the Tutsis were planning on  
25 killing them.

1 I was with a gendarme, and they were asking us to kill all the  
2 Tutsis, because they were scared that they were going to kill them. So  
3 they had been manipulated, starting from 1992.

4 Q. Very well. Can we consider, based on everything that you told  
5 us, that what happened in Bugesera when you were talking about  
6 manipulation from municipal officers, can we consider that this was a  
7 local issue? Because we had local officers that were manipulating the  
8 population. Can we consider that this was only just confined to this  
9 specific region where there was specific relationships between the  
10 municipal officers and the local population?

11 A. No, I wouldn't say so, because we were back in 1992. The civil  
12 war broke out in 1990 between the RPF and the Rwandan armed forces. And  
13 everywhere around the country, you would find some small massacres. In  
14 1991, for example, there was one in a small village. Everywhere around  
15 the country, you would find small massacres, small-scale massacres. You  
16 would also grenade attacks everywhere around the country. So this is a  
17 time of war, a time of insecurity, with mines being placed here and  
18 there.

19 There was a national -- so there was a national committee on  
20 mines that was set up. I was a part of this committee. And I remember  
21 going to the Kibingo prefecture, which was not my jurisdiction, but I  
22 went there to investigate on attacks with mines and grenades.

23 So it is not a local issue confined to Bugesera, because we saw  
24 similar massacres in other areas of the country, like Mutura, for  
25 example, like I said, Bagogwe, between Gisenyi and Ngeraneri [phoen] in

1 the Mutura region.

2 So to say that it is confined to the Bugesera region would be --  
3 would not be true. What's specific about Bugesera is that it was a  
4 municipality where there was a high concentration of Tutsi people, and  
5 Tutsi that came under dramatic circumstances after the 1959 revolution.

6 But if you look at the causes behind this massacre, we cannot  
7 simply consider that it was confined to the region. To me, there was an  
8 ambient general atmosphere around the country during these specific  
9 years. And we would see small-scale massacres here and there, so we  
10 cannot simply consider that it was just a local issue.

11 Q. I understand. So you just mentioned the prevailing insecurity,  
12 attacks with grenades, and the use of mines. So the first question:  
13 Would these attacks with grenades and placing of mines, did that happen  
14 all over the country?

15 A. Yes, all over. It happened all over.

16 Q. I see. So second question: You investigated, if I understand  
17 you correct. Can you say "yes," because your answer needs to be  
18 recorded. Nodding is not sufficient.

19 A. So you want to say whether I investigated on what?

20 Q. On the use of grenades and mines.

21 A. Well, I said there was a commission, a national commission on  
22 these attacks, and there were also attacks carried out with grenades. In  
23 very specific cases, an example of a family was attacked with a Chinese  
24 hand grenade. There were many grenades with a wooden handle. So there  
25 was the phenomenon that had to do with anti-personnel mines and the use

1 of grenades at a national level but also at local level, in Kigali.

2 Almost every single day in Kigali there was a family who came  
3 under attack or with a grenade. So, yes, there were investigations  
4 carried out. There was a report -- I think a report was circulated. I  
5 always questioned the authenticity of the report, because there is --  
6 there was a report that circulated, but it remains unsigned and I never  
7 signed it. I never signed any report of the commission I was part of.  
8 To my knowledge, my commission did not publish any written report. So I  
9 did not see this report.

10 And in the meantime, I went to do a training session in Belgium  
11 which was, I think, between October 1992 and October 1993, so I was not  
12 in Kigali during that period of time, even if I was still a prosecutor of  
13 the republic but I was replaced by my first deputy. So to my knowledge,  
14 there was no report published on the use of mines and attacks with  
15 grenades except in individual cases of families who were attacked with  
16 grenades in Kigali. And in those cases, those people were arrested and  
17 were prosecuted, I mean. Those were cases of individual attacks.

18 But as for the phenomenon of the use of anti-personnel mines in  
19 attacks, generalised, widespread attacks all over the territory, there  
20 has been no report.

21 Q. I understand. So you do make a difference between individual  
22 attacks and the phenomenon of the deposing of anti-personnel mines all  
23 over the territory. You understand?

24 A. Well, yes, I do understand the difference, because there were  
25 attacks with grenades perpetrated in the station in Kigali, and the kind



1 of blind attack is just to wreak havoc. Nobody in particular is  
2 targeted.

3 So there was this type of attacks which were perpetrated or  
4 attacks against mini buses with passengers, civilian passengers. They  
5 exploded on mines. I can't remember the exact name, the technical name  
6 of the kind of mines. There were many buses blowing up on mines, and  
7 there was this attack I mentioned in a station in Kigali. And these are  
8 meant to instill fear, because the victims were not identified.

9 So these are not individual attacks when you would think an  
10 attack at the home of Nsanzuwera and an attack with a grenade thrown in a  
11 public place where nobody -- individually nobody specifically is  
12 targeted. You don't even know who's there.

13 Q. I understand. Regarding these attacks meant to wreak havoc or  
14 instill fear either with grenades or anti-personnel mines, which you  
15 mentioned, to your knowledge, were there only one or several parties who  
16 were behind that? Was there one or were there several parties behind  
17 those attacks?

18 A. The question -- well, the question is difficult for me to answer,  
19 and my answer would be based on assumptions because the investigations  
20 that were carried out managed to identify attacks targeted to specific  
21 persons individually, and the investigations were carried out and  
22 pinpointed perpetrators.

23 But as for the use and deposing of anti-personnel mines in public  
24 places or on roads or in public transport means, when those were  
25 targeted, well, the investigations led to no results. So my answers

1 would be just based on assumptions.

2 Q. I see. I agree. Did anybody else carry out investigations on --  
3 any investigation on these attacks?

4 A. The commission, the one I mentioned, which was headed by Major  
5 Muyampotore of the Rwandan armed forces -- well, inside this commission  
6 there were different services in charge of security, the central  
7 intelligence service, and certainly there was a service which was  
8 specialised service of the gendarmerie and the prosecutor's office. And  
9 I was a representative of the prosecutor's office within the commission.  
10 So there are other services in charge of security within this same  
11 commission.

12 So as for the individual investigations carried out, these were  
13 not only carried out by the prosecutor, the republic's prosecutor's  
14 office. Because in the city of Kigali where I was, as prosecutor, in my  
15 capacity, there were four gendarmerie brigades. They were part of the  
16 gendarmerie since the judicial police officers were gendarmes, but they  
17 were under the jurisdiction of the judicial police. Because when the  
18 judicial police officers carried out investigations, they handed over the  
19 results to the judicial prosecutor's office.

20 So I had a group -- I had a group of civilians under my  
21 responsibility. The judicial police officers and the gendarmes were  
22 there to carry out investigations, but the results and the files were  
23 always handed over to the prosecutor's office, because in the system, as  
24 it was at the time, the prosecutor's office carried out investigations  
25 and instructed the cases. We had no judges in charge of instructing a

1 case.

2 Q. Thank you very much. I'm going to try and be more specific. You  
3 talked about other services who were involved in these attacks, the  
4 security services that you just mentioned. Now, to your best knowledge,  
5 did these services, or did some of them, reach any conclusions on who  
6 were the perpetrators of said attacks?

7 A. I am not aware of that, because I didn't see any reports. I saw  
8 one report - one report - which was circulated. And I actually think I  
9 probably saw it at the end of the genocide. I did not see it before.  
10 And this report is available online and is not signed.

11 Q. All right. So let's move on to another topic. You say in your  
12 statement, in your declaration on para 72 in your consolidated statement  
13 of 16th and 22nd June, you said you took part in a meeting with the  
14 Minister of Information Faustin Rucogoza, and you say why you were there,  
15 and you said it was in February 1994.

16 Now, the question was mentioned earlier on: Do you remember  
17 whether it was in the beginning of the month of February, in the middle  
18 of the month of February, or at the end of the month?

19 A. Well, that is a reason for which, when the Prosecutor showed me  
20 the video in the beginning, I didn't want to make a statement on the  
21 authenticity of this video, because this is what took part of the -- what  
22 Rucogoza said or what Kabuga said in the video. What they said reminds  
23 me of what was mentioned during the meeting. But as you said, we -- as  
24 you saw for yourself, this was only an excerpt. So you don't see the  
25 rest of the attendants to the meeting. So I'm not going to jump forward

1 and say, oh, yes, this was within this particular framework, and that  
2 person was wearing such a suit, such-and-such, well, okay. Well, what  
3 they said would have been -- the meeting I took part in was held in  
4 February. I do remember that because in the following month of March  
5 1994, there was another meeting held -- well, a discussion more than a  
6 meeting. But a discussion on the national radio, but not with the same  
7 participants. It was with journalist Bamwanga, the prefect  
8 Korendengazaro [phoen], the prefect of Kigali, and we had talked about  
9 its security problems.

10 So in my opinion, in my mind, as I remember things, what allows  
11 me to say it was held in February was because I remember that the  
12 following month I attended another debate which was just as heated as the  
13 one that took place during that meeting between Nahimana, Rucogoza, and  
14 the journalist, when André Kameya had said things that were pretty  
15 violent to such an extent that I did not forget what he said.

16 Q. So I understand, so is it correct to say that you remember that  
17 it was in February, but you can't remember during what part of the month,  
18 whether it was in the beginning, the middle, or the end of the month?

19 A. Yes, that is correct.

20 Q. You just mentioned right now some of the attendants or some of  
21 the participants to the meeting. Now, the purpose of the meeting, if I  
22 understand what is said in your statement, you say that the idea was to  
23 take measures against the media who spoke messages of hate. So I  
24 understand the different media had been called up by the minister; is  
25 that correct?

1           A.     During that meeting, it was only RTLM which had been called or  
2     summoned. But when I'm talking about other media, I mean -- maybe for  
3     things to be clearer, I could say during that period of time there were  
4     journalists who were arrested. There were newspapers who had been seized  
5     in the presence of the republic. Called me to a council of ministers to  
6     see whether the criminal code did not protect them, because one of the  
7     journalists had made a cartoon of the president swallowing the members of  
8     the opposition, because at the time the members of the parties in the  
9     opposition held a national conference. And the president had summoned me  
10    and called me before a council of ministers showing me the newspaper and  
11    asking me whether the criminal code did not protect him.

12                 And following that summons, I had been summoned by the president  
13    of the party to the council of ministers, and I had arrested journalists  
14    with the consent of the general prosecutor, my superior, who also  
15    attended the meeting but came in late to that meeting. And when we  
16    arrested the journalist, the minister in charge of security called me to  
17    say that the US ambassador and the Belgian ambassador were not happy with  
18    the way my office had given journalists. And those two ambassadors  
19    weren't happy with the repression carried out by my service and the  
20    gendarmerie on these journalists.

21                 So this meeting with Minister Rucogoza, which I attended, only  
22    concerned RTLM, the RTLM. But there was a general problem with  
23    independent newspapers, and this private radio station, even that on the  
24    radio station, because the discussion I am talking about, which occurred  
25    in March 1994 and which I attended, mention is made of insecurity. And I

1 said that it was the administrative authorities behind the climate of  
2 insecurity in the region of Kigali, because they support Interahamwe  
3 militiamen.

4 And I remember Bamwanga saying to prosecutor Nsanzuwera, myself:  
5 "I protect the Tutsi communities." And I think that -- how can I put it?  
6 Well, I think that that broadcast can be found. It's available. Or the  
7 recording of that broadcast.

8 So this was a period of time during which newspapers and private  
9 radio stations, such as RTLM, and even national high radio, called for  
10 ethnic hatred.

11 Q. I agree. I agree. A quick question. You said you arrested  
12 journalists. When was this? During what period -- which period of time?

13 A. Actually, between 1991 until the beginning of the genocide, there  
14 were several journalists who were arrested. Newspapers were seized as  
15 well, as I said. Now, the minister in charge of security called me in to  
16 say that the ambassador of the US and the ambassador of Belgium were  
17 against journalists being arrested and newspapers being seized. It was  
18 at that period of time that I said to my deputy that we need to prosecute  
19 journalists if there were any individual complaints filed, because the  
20 minister telephoned to us to say, "Oh, there's a piece of news that is  
21 going to come out that challenges the state security and national  
22 security," and that is at that time that I asked my deputies to give  
23 fines and heavy fines to the journalists but not to seize or not to  
24 prosecute any acts committed by the press and to restrict ourselves to  
25 any individual actions.

1 Q. I see. And you said a few moments ago that the meeting with  
2 RTLM, and I'm going to read out a passage of what you say in your  
3 consolidated statement, under paragraph 72, it's on page 32 of the French  
4 version, and here I quote:

5 "RTLM was represented by Ferdinand Nahimana at the meeting, and  
6 other people attended the meeting, the president of the trial chamber of  
7 Kigali, the director of the chief of staff of the Ministry of  
8 Information, Mr. Higiro, as well as representatives of private media,  
9 André Kameya, editor in chief of the newspaper Rwanda Rushaya."

10 Now, I'm going to ask you my first question. Can you tell us  
11 more about the newspaper Rwanda Rushaya and about André Kameya. But  
12 briefly just to know what it's all about.

13 A. Kameya was a member of the liberal party, and he was a former  
14 journalist who was with the Catholic newspaper Kinyamateka. So his own  
15 private newspaper was Rwanda Rushya.

16 Q. I see. And you mentioned other representatives of private media.  
17 Do you remember any of them?

18 A. No, no. That's what I said. I mean, it's years ago, and my  
19 memory, like maybe everybody's, has gone a bit with time. So even when I  
20 testified in the Nahimana case in 2001, how long ago was it since that  
21 meeting had happened? I mean, there are details that I've forgotten  
22 about. There's even -- well, I can even forget -- it also happens to me  
23 that I can forget the names of my two sisters who were killed in the  
24 genocide. So, I mean, my memory can fail. I cannot answer your  
25 question.

1 Q. No worries. In your statement, you said that at this meeting  
2 there was the Kigali tribunal of first stance as president, you, as the  
3 prosecutor, then there was the minister of information, Rucogoza, then  
4 Mr. Higiroy, his chief of staff, and the director of the ministerial  
5 council. Do you remember who else was present at this meeting from the  
6 side of the authorities?

7 A. No, I was not prosecutor-general at the time. Correction: I was  
8 state prosecutor. In the paragraph that you're referring to, I am a bit  
9 surprised, because I do not know the titles. He was, like, the person  
10 you was chief of staff. I'm not sure he was -- he had that title. There  
11 are some titles here that don't match with my memory.

12 As to other participants, as I said, it's been a while, many,  
13 many years, and a lot happened in that period. Violent events took  
14 place. In my career, it was very, very hard. So I have forgotten a few  
15 details. And to tell you the truth, if it was up to me, I would even  
16 like to erase some memories, because they prevent me from sleeping at  
17 night.

18 Q. Yes, we do understand that, Mr. Witness. So there were  
19 representatives of the authorities, there were media representatives, and  
20 were there representatives of other institutions, if you remember, either  
21 national or international?

22 A. Maybe national representatives but not international. I don't  
23 think so.

24 Q. If you remember, who spoke on behalf of RTLM at that meeting?

25 A. Well, you know, watching the video triggered a few memories,



1 because when His Honour asked me to be very specific about the meeting  
2 and that video, I remembered, listening to the exchange during that  
3 video, I remembered a few things. Mr. Felicien Kabuga was there as  
4 chairman of the Comite d'initiative of the RTLM. Mr. Nahimana was there  
5 as director of the RTLM. And the person that I still cannot recognise is  
6 Serungwiza [phoen].

7 THE INTERPRETER: The interpreter didn't catch the name.

8 A. So I am still not sure whether he was there or not. Kabuga, yes.  
9 Nahimana was there. Kameya was there. And, as I said, I remember from  
10 that meeting that there was a heated discussion between Nahimana and  
11 Kameya --

12 MR. ALTIT: [Interpretation]

13 Q. Sorry to interrupt you, but I just want you to answer my  
14 question. We'll come back to what happened in that meeting, but my  
15 question wasn't that. My question was who spoke on behalf of RTLM at  
16 that meeting.

17 A. Felicien Kabuga.

18 Q. Okay. So I'm going to read what you said in your statement in  
19 paragraph 74, page 33 of the French version. And I quote:

20 "Kabuga did not speak much at the meeting but made short  
21 interventions in agreement with Nahimana."

22 So this means that it was Nahimana who spoke. Particularly,  
23 because before that you talk about the discussion between Nahimana and  
24 Kameya. You say in paragraph 74, and I would like to quote:

25 "Nahimana became angry and retorted that Rwandan Arusha was not

1       so different from the RTLM insofar as it was making RPF propaganda."

2               So today you say that that's not it?

3           A.    No, it's different.  It's different, counsellor.  You asked me  
4       the question about who spoke on behalf of the RTLM.  In this delegation,  
5       it was Kabuga who was the head of the delegation.  But here I mentioned  
6       in my statement that Nahimana monopolised the discussions with Kameya,  
7       and Kabuga was just there to approve, in a very courteous manner, even  
8       if -- even he -- even though he was a bit condescending, we did respect  
9       him a lot because, after all, his daughter had married the president's  
10      son.  So we automatically respected him.

11           He was not like Nahimana.  Nahimana was passionate.  He was  
12      short-tempered.  Kabuga was also a bit of a fighter.  But because he was  
13      the head of the delegation and the head of the RTLM, he was not very  
14      active in this heated discussion between Nahimana and Kameya.  In fact,  
15      at the end of the meeting the minister said, "I hope that each one will  
16      shoulder his or her responsibility."  And Kabuga said, "Okay."  When  
17      Nahimana asked us not to arrest journalists, we said that we would not  
18      arrest journalists.  We would only impose heavy fines on them.  And it  
19      was all very courteous.

20           JUDGE BONOMOY:  Maître Altit, can you find a suitable point at  
21      which to interrupt your cross-examination for a break?

22           MR. ALTIT:  [Interpretation] Yes, Your Honour.  Can you give me  
23      five minutes, and then I will stop.

24           JUDGE BONOMOY:  Do you mean you will complete?  No, you will  
25      interrupt.  Yes, very well.

1 MR. ALTIT: [Interpretation]

2 Q. So I understand what you have said, and our discussion is being  
3 translated. And for the benefit of those who do not understand French,  
4 could you just say what you just said? If I've understood correctly -  
5 and stop me if you think that I'm mistaken - you answered my question  
6 saying that the one who expressed his opinion officially on behalf of  
7 RTLM was Kabuga, but the one who actually spoke during the meeting was  
8 Nahimana.

9 So can you just -- do you accept this summary of what you just  
10 said?

11 A. Well, let me just nuance that a little bit. The person who  
12 monopolised the floor was Nahimana.

13 Q. Okay, thank you very much. It's a lot clearer now. So based on  
14 what you accuse Nahimana of, and what you just said -- I'm sorry, what  
15 Nahimana was accusing you of, rather, he said that you were arresting  
16 journalists.

17 Now, you had a high level discussion and you were at a high level  
18 position then. What exactly was the principle that was the bone of  
19 contention between you and Nahimana?

20 A. I'm not sure that I have really understood your question. As I  
21 said, the discussion was mainly between Kameya and Nahimana. And at the  
22 end of the meeting, Nahimana said to me, "Mr. Prosecutor, I hope that you  
23 will stop arresting journalists." He wasn't talking about RTLM  
24 journalists, because I hadn't arrested any RTLM journalists. I thought  
25 that he was talking about his friend --

1 THE INTERPRETER: The interpreter didn't catch his name.

2 A. -- but the journalist from Kangura magazine. So what was  
3 Nahimana's concern as far as the law was concerned, I cannot answer that  
4 question. What I answered was that we were not going to arrest  
5 journalists, and that -- how shall I put it? That we would have to  
6 define a policy for criminal offences, and the policy would be to fine  
7 people, not arrest them. Now, I don't know what Nahimana had in mind. I  
8 cannot answer that question.

9 MR. ALTIT: [Interpretation]

10 Q. During this same meeting, were the Arusha Accords mentioned? Let  
11 me rephrase that. Was one of the things that the authorities, minister  
12 of information and the others, one of the things that they were unhappy  
13 with was that the media were hostile to the Arusha Accords. Was that  
14 mentioned?

15 A. I don't think so. If I remember correctly, and I think that in  
16 the video that we were shown, the minister was saying that it was more a  
17 question of broadcasting hate messages. These were messages that were an  
18 incitement to pit citizens one against the other. At that time, RTLM  
19 mixed up Tutsis, Hutus, and those who were fighting for the RPF. They  
20 put everyone in the same basket.

21 So it was really mainly hate and violence vis-à-vis Tutsis and  
22 political opponents that concerned -- that was a concern for ministers.  
23 So the meeting was really focused on preventing these hate messages.

24 Q. Okay. Thank you. One more question on this topic. In paragraph  
25 77 and in your declaration of June 2022, you say that two journalists,

1 Etimana and Habimana, do you remember them? You said that you didn't  
2 like what they said in the broadcast. And then in paragraph 81, you said  
3 that they were only -- that during the interrogation of Habimana, he said  
4 that the only thing he did was to read a telegram that was given to him  
5 by his superior, Ferdinand Nahimana, and he said that, and I quote, "'It  
6 is Nahimana who wrote it. I'm only reading it. The only thing I do is  
7 to read them.'" Do you think that this is credible?

8 A. Yes. Yes, it does seem credible to me. When I convened Kantano  
9 and another person, Noel Hitimana, the news was that the general  
10 prosecutor, who was going to kill --

11 Q. Sorry, I would like to interrupt you. My question is simple.  
12 I'm trying to establish the hierarchal relationship between Nahimana and  
13 the two journalists. My question was, was it credible?

14 A. Yes, it was credible.

15 Q. Okay. One last question. Do you remember who was the director  
16 of the RTLM and the chief of RTLM at the time?

17 A. Ferdinand Nahimana was the director of the RTLM, and  
18 Gahigi Gaspar was the chief editor.

19 MR. ALTIT: [Interpretation] Thank you very much. I would like to  
20 end my questioning on this particular theme.

21 JUDGE BONOMO: Thank you, Mr. Altit. We shall adjourn just for  
22 15 minutes or so, possibly even less. And when we return, we'll sit for  
23 no more than half an hour, and that will be the end of today's business.

24 --- Recess taken at 11.40 a.m.

25 [The witness stands down]

1 [The witness takes the stand]

2 --- On resuming at 11.58 a.m.

3 JUDGE BONOMY: Maître Altit.

4 MR. ALTIT: [Interpretation] Thank you very much, Your Honour.

5 Q. Very well. So we're going to resume. You were saying in your  
6 statement, paragraph 110, that in March 1995 you decided to flee to  
7 Belgium because you were threatened by the new government. Why were you  
8 being threatened, first question?

9 THE INTERPRETER: Microphone is off.

10 THE WITNESS: [Interpretation] This is not exactly the correct  
11 information. When I left the country in March 1995, I was being  
12 threatened by two high-ranking officials, officers of the Rwandan  
13 Patriotic Front. They were in charge of the gendarmerie brigades. They  
14 were in charge of the special service within the gendarmerie. And I had  
15 denounced in a radio broadcast the arrests, the mass arrests and  
16 arbitrary arrests that were made then. And back then in Kigali, there  
17 were many prisoners made that had not been identified. So they were  
18 arrested and put in jail without identification.

19 And during this broadcast on national radio, I might have been  
20 too tough, but I denounced these type of arrests. And I believe that  
21 there was one word in my statement which angered a lot of people. I said  
22 that there had been too many deaths and that people were now looking  
23 forward to a more peaceful time.

24 But the incident that triggered everything in the gendarmerie  
25 brigade, the Muhima Brigade, that was very close to my office, there were

1 22 dead people found in a bunker in the gendarmerie. These people had  
2 died because they suffocated. It was a small room. This was a bunker  
3 that was designed for a maximum of -- a cell, sorry. A cell that was  
4 designed for four people, for a maximum of four people, but there were  
5 more than 22 people staying in that cell. And they suffocated.

6 And someone called me to my office, telling me that there were  
7 some prisoners in the Muhima gendarmerie that were currently suffocating.  
8 And I went to the jail and I asked for the cell to be opened, and I saw  
9 bodies, dead bodies. And what annoyed me is that the guards were  
10 listening to music on the radio while these people were dying. So I took  
11 some of the prisoners to the Kigali hospital with -- using a  
12 United Nations bus. It was not given to me specifically but to the  
13 Kigali prosecutor's office. And some prisoners died in the minibus, and  
14 I was inside the bus.

15 So following this event, I made the statements to the  
16 Radio Rwanda broadcast. I didn't ask to appear on that show, but the  
17 journalist came to interview me to ask questions about the situation, and  
18 I denounced it. The general of the brigade came to my office and told  
19 me, "Don't forget that you were a prosecutor of Habyarimana." And I told  
20 him, "Well, I wasn't a prosecutor of a single person. I was prosecutor  
21 for Kigali, but I wasn't the prosecutor of a single person." They said,  
22 "Do not forget it." And today, these people are generals. Back then,  
23 they were majors.

24 They called me and they asked me, "Why are you protecting the  
25 Interahamwe?" And I told them, "No, well, you know, they are suspects,

1 and we need to carry out investigations, and justice needs to be made.  
2 We can't simply have these summary executions as such."

3 And then following my declarations on the radio, several friends  
4 came to see me and told me, "Well, you know, the regime is fragile. The  
5 genocide just ended, so we shouldn't keep on pronouncing such things on  
6 the radio. We're just coming out of a genocide, so you need to be  
7 careful." But I said no. There are too many people who died so that --  
8 to let such mistakes and blunders happen.

9 Some people disappeared as well. There was a businessman, for  
10 example, who disappeared. We were together in a bar one day. And on the  
11 next day, we found his body in Nyandungu valley. It used to be called  
12 the Valley of the Pope, because this is where the Pope did a mass when he  
13 visited Rwanda.

14 So this person, his body was found in this valley, and he had  
15 been arrested by a captain of the Rwandan patriotic army. I knew his  
16 rank, but I didn't know his name. And on the next day, we found his  
17 body. So in Rwanda, there is a proverb that says: You cannot jump twice  
18 in the same tomb. So I decided to leave the country, and I applied for a  
19 visa in Belgium. And I explained that I left the country and that I  
20 wouldn't come back.

21 Of course, I asked for official leave to my manager, my superior,  
22 the general prosecutor. And I asked for an invitation by the human  
23 rights international federation to take part to the first celebration of  
24 the commemoration of the Rwandan genocide. And the -- I was elected  
25 president as an organisation of defence of human rights. So I received



1 an invitation from the HRIF to go to Paris and to take part to the first  
2 commemoration of the genocide in France, but I was -- I knew then that I  
3 was actually leaving for good. I was leaving the country for good.

4 JUDGE BONOMY: Maître Altit, a moment.

5 There's something that arises out of that in relation to your  
6 written statement. You were being directed there to paragraph 110. I  
7 hope I've understood that correctly, Maître Altit.

8 MR. ALTIT: [Interpretation] Absolutely, Your Honour.

9 JUDGE BONOMY: In that paragraph, you say this:

10 "... in March 1995 I decided to go into exile in Belgium because  
11 I was being threatened by the new government. So I didn't conclude my  
12 investigations. Munyagishali was executed after a court conviction when  
13 the Rwandan government executed 22 persons after the Rwandan genocide  
14 trials began."

15 Now, is it pure coincidence that there is a reference to  
16 execution of 22 persons and that what you told us about the personnel who  
17 were suffocating also amounted to 22?

18 THE WITNESS: [Interpretation] Your Honour, these are two  
19 different situations. When I was answering Counsel Altit's question, I  
20 was talking about the prisoners that were in a cell in the gendarmerie.  
21 The 22 people that I was talking about in my statement that were  
22 executed, these were after death sentences and that was after I left the  
23 country. So I wasn't in Rwanda when these sentences were pronounced.

24 JUDGE GUZMAN: Could I just follow up with a question. Would you  
25 please explain the relevance of the reference to the execution of these

1 22 persons in relation to your departure to Belgium?

2 THE WITNESS: [Interpretation] Your Honour, there is no connection  
3 between the two. This is a consolidated statement. I did not bring  
4 together these two parts of my former statement. So these -- when these  
5 22 people were condemned, I had already left the country. And I left the  
6 country because of these mass and blind arrests. And I mentioned then  
7 this event of these 22 people, you believe, if I remember well, that  
8 suffocated in the gendarmerie cell in Muhima. But these executions there  
9 of these people that were sentenced to death by the Rwandan government,  
10 then I had left the country, so there's no direct connection there.  
11 Thank you very much.

12 JUDGE BONOMY: Maître Altit.

13 MR. ALTIT: [Interpretation] Thank you very much, Your Honour.

14 Q. So you're telling us -- so in paragraph 111, you told us that  
15 before you left you had high-ranking responsibilities -- no, it says that  
16 you shared -- you expressed concerns to high-ranking officers on the  
17 issue of the prison population, "20 per cent of which I estimated to be  
18 innocent." So according to you, 20 per cent of the people that were  
19 incarcerated in Rwanda were innocent?

20 A. Can you please repeat the question?

21 Q. Yes, of course. Let me quote you just to make sure that  
22 everything is clear. Paragraph 111 of your consolidated statement,  
23 you're telling us, regarding the number of missing persons that were  
24 increasing and the extralegal executions that continued. You said:

25 "I complained of this to the high-ranking officers to whom I

1 openly expressed my concerns, particularly on the issue of the prison  
2 population, 20% of which I estimated to be innocent."

3 My question is: Do you still agree with this statement based on  
4 what you have learnt since or what you had learnt then?

5 A. So we're talking here about suspects that were detained. When I  
6 left the country in March 1995, no judgements had been made. So it was  
7 only my estimate, at the time I estimated that amongst the prisoners that  
8 were imprisoned -- the suspected prisoners that were imprisoned in the  
9 jail, I estimated that 20 per cent of them were innocent. But that was  
10 before the judgement. I'm talking about the suspects, the people that  
11 were suspected to have taken part to the genocide and that were under my  
12 responsibility as prosecutor, not as director of the jail but as a  
13 prosecutor. And it was my responsibility to identify these people.

14 And I'd like to mention as well that the majority of these  
15 prisoners had been arrested by the Rwandan Patriotic Front during the  
16 genocide and afterwards, so there were very few of them that had been  
17 arrested by my own services and teams. I would arrest people whenever  
18 there would be a complaint. So most of these prisoners -- just for you  
19 to get some background information, whenever the Nkubito, minister of  
20 justice, opened the Kigali jail, a jail that was freed of all these  
21 prisoners on 7 April 1994, because the prisoners joined Interahamwe and  
22 Tutsi -- to kill the Tutsis.

23 So between April and July, the jail was empty. It was empty  
24 because all prisoners had been freed to join the murderers on roadblocks.  
25 But afterwards, the members of the Patriotic Front had arrested members

1 of the Interahamwe, so the minister of justice decided to reopen the  
2 Kigali jail and -- so I was then in charge of the prisoners related to  
3 the World Food Programme. So the minister of justice decided to open the  
4 Kigali prison to make sure that these prisoners arrested by the Patriotic  
5 Front would be imprisoned there and not to have cells across the city.

6 And so I was with a group of peacekeepers. I was with an  
7 Australian major, and it is the major of the UNAMIR that allowed me to  
8 proceed to the identification. So I would go to talk to the people, and  
9 I would ask them, "Who are you?" "What's your name?" and "Under which  
10 circumstances were arrested?" So altogether there were 10.000 people in  
11 the Kigali prison that had not been identified. So I started by  
12 identifying all these people, because before, there was no  
13 identification, there was no record whatsoever.

14 But I spent all this time trying to identify all these people,  
15 and that's why I came up with this -- with this statement, and I was --  
16 considered that we shouldn't be -- and that's what I said -- I said what  
17 I said on the radio, because we shouldn't be imprisoning people without a  
18 record.

19 Q. You said a bit further, still in paragraph 111, you said:

20 "... I learned at the Mille Collines that the RPF soldiers had  
21 directly participated in the massacres alongside the militiamen."

22 Can you explain to us what you mean thereby?

23 JUDGE BONAMY: This is a part of the statement that was altered  
24 and that, according to the witness's earlier evidence today, is not a  
25 reference to the RPF but to the federal army.

1           MR. ALTIT: [Interpretation] Absolutely, Your Honour. You're  
2 absolutely correct, and I will withdraw my question.

3           Q. Now, sir, I would like to look into something else. You said,  
4 still in your statement, that most of the political parties had a youth  
5 wing. This is under paragraph 5 of your declaration. Can you tell us,  
6 and briefly, what the names of the youth wings of every single political  
7 party was called?

8           A. Now, the MRND party had the Interahamwe. The MDR had the Inkuba.  
9 The PSD, I think they were called Abakombozi [phoen]. The CDR had the  
10 Impuzamugambi. The Liberal Party, I think they had just -- had no  
11 specific name. They just called it the youth wing of the Liberal Party.  
12 So as far as I can remember.

13          Q. I see. And you say in your declaration in paragraph 7, and here  
14 I'm going to quote you again -- so you say, and here I quote:

15                 "In the beginning, these youth wings accompanied the members of  
16 the political parties into the field to carry out meetings and rallies,  
17 and ... the youth wings of the different parties would fight directly  
18 with one another during these rallies. History has shown that the MDR,  
19 which was the largest opposition party in the country, had a very strong  
20 youth wing. Faced with this, the MRND created a specialised youth wing  
21 which turned into an actual militia because the MRND militarised it ..."

22                 And a bit further, you add, and I quote:

23                 "It was the MDR youth wing, which is known as Inkuba (thunder)  
24 which started the acts of violence in order to recruit members for their  
25 party ..."

1           So, sir, did I understand correctly, do you say that, first of  
2 all, it's the youth wing of the MDR that set itself up as a violent force  
3 which triggered the reaction of other youth wings which constituted  
4 themselves as violent youth wings? Is this what triggered it?

5           A. No, that's not what I said. If I said it like that, it would be  
6 a shortcut. The main parties - MRND, MDR, and PSD - have their own youth  
7 wings. The MDR, which at the time was a powerful party, had started a  
8 campaign which they called Kubuvoza [phoen], that means free, liberate.  
9 And even within the administrative services, these youth, in some  
10 municipalities or communes in which there were extremist MRND  
11 bourgmestres where these kind of illegal violent acts were perpetrated.

12           But the difference between the other youth, Inkuba, Interahamwe  
13 of the MRND -- of the MRND, is that the -- they have within their ranks  
14 or within their groups reservists of the army who receive military  
15 training. And that even in some of the events, in political rallies,  
16 which are public events, there are military men who are official military  
17 wearing uniforms of the Interahamwe. So this I saw with my own eyes. In  
18 many occasions, there had been events with Interahamwe close to  
19 Nyabugogo. There were roadblocks. The authorities intervened. And it's  
20 the -- Elie Sagatwa, the personal secretary of the president of the  
21 party, who managed to convince them to lift the roadblocks and open up  
22 the road.

23           The difference, and here I maintain that in terms of levels of  
24 violence concerned, the MDR youth are those who started the violent acts.  
25 And they were -- they would raise their flags in the different

1 neighbourhoods to recruit people and ask the people or passersby to just  
2 salute the flag. But the difference between the MRND youth or  
3 Interahamwe and the Inkuba was that the MRND youth were militarised,  
4 armed, and having in their ranks former military. And so in their  
5 political events, they had military amongst them wearing their uniforms.

6 MR. ALTIT: [Interpretation] Your Honour.

7 JUDGE BONOMO: Now, Maître Altit, again, could you find a  
8 suitable opportunity to interrupt your cross-examination.

9 MR. ALTIT: [Interpretation] To this point, I still have 20 or so  
10 minutes to deal with this matter, so I think we can stop now. But I  
11 would like to tell you a bit more about the time -- during the time I  
12 still have, so you can organise things.

13 I believe that in half an hour, I can complete this point.

14 JUDGE BONOMO: Well, in an ideal world we would continue, but I'm  
15 afraid that's just not possible today. And, therefore, that will have to  
16 be on Tuesday. And do you have a rough estimate of how long the  
17 remainder of your cross-examination will last?

18 MR. ALTIT: [Interpretation] Thank you, Your Honour. Yes, that's  
19 what I was saying. I think that in roughly half an hour, or 35 minutes,  
20 I will be done with it.

21 JUDGE BONOMO: Well, I'm afraid that that will have to be on  
22 Tuesday at 10.00. So the Trial Chamber now adjourns until Tuesday at  
23 10.00.

24 It's important that I say to you, but I'm sure you're well aware  
25 of this anyway, that between now and then you have no discussion with

